

REMARKS

Claims 1, 3, 5, 9-10, 13, 18, 24, 31-33, 35-36, 39-41, 43, and 46-53 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 3, 5, 9-10, 24, 31-33, 35-36, 40-41, 43, and 47-53 stand rejected under 35 USC § 103(a) as being unpatentable over Park (U.S. Pub. No. 2003/0031173) in view of Martin et al. (U.S. Pat. App. Pub. No. 2004/0073640 and Farinacci et al. (U.S. Pat. No. 7,016,351). This rejection is respectfully traversed.

Applicant submits herewith a Declaration submit inventor testimony to serve as evidence that Farinacci et al. is not analogous prior art, and that Faranacci et al. fail in any event to teach, suggest, or motivate two or more private addresses appended to one another in a predefined order and defining a path to a device in a private network. For example, the inventor expert witness testifies that Faranacci et al. merely teach using a proprietary protocol to discover a multicast path and set up a source address routing list, which cannot be applied to networks with NAT routers, since a tracing packet for the purpose of route setup cannot traverse the entire network to get a source routing list. Accordingly, Farinacci et al. is in a different field of endeavor because the differences in structure and function reveal that the teachings of Farinacci et al. are not relevant to the particular problem with which the inventor is involved. Moreover, Farinacci et al. is not reasonably pertinent to the problem with which the inventor was concerned because a person having ordinary skill in the art would not reasonably have

expected to solve the problem of destination routing in private networks by considering a reference dealing with source routing using a list of public addresses.

Therefore, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 1, 3, 5, 9-10, 24, 31-33, 35-36, 40-41, 43, and 47-53 under 35 USC § 103(a).

Claims 13, 18, 39, and 46 stand rejected under 35 USC § 103(a) as being unpatentable over Park (U.S. Pub. No. 2003/0031173) in view of Martin et al. (U.S. Pat. App. Pub. No. 2004/0073640), Farinacci et al. (U.S. Pat. No. 7,016,351), and Official Notice. This rejection is respectfully traversed.

The Examiner admits that the cited references do not disclose storing an original source private IP address in the source IP address field of the packet header instead of the public IP address purportedly disclosed by the references. The Examiner takes Official Notice that it would be obvious to do so. However, the Examiner's assertion of Official Notice is Officially Challenged. In particular, modifying the teachings of the prior art references as suggested by the Examiner would render the references inoperable for their intended purposes. In other words, the Examiner applies impermissible hindsight reasoning to arrive at Applicant's claimed invention.

Also, Applicant submits herewith a Declaration submit inventor testimony to serve as evidence that Farinacci et al. is not analogous prior art, and that Faranacci et al. fail in any event to teach, suggest, or motivate two or more private addresses appended to one another in a predefined order and defining a path to a device in a private network. For example, the inventor expert witness testifies that Faranacci et al. merely teach using a proprietary protocol to discover a multicast path and set up a

source address routing list, which cannot be applied to networks with NAT routers, since a tracing packet for the purpose of route setup cannot traverse the entire network to get a source routing list. Accordingly, Farinacci et al. is in a different field of endeavor because the differences in structure and function reveal that the teachings of Farinacci et al. are not relevant to the particular problem with which the inventor is involved. Moreover, Farinacci et al. is not reasonably pertinent to the problem with which the inventor was concerned because a person having ordinary skill in the art would not reasonably have expected to solve the problem of destination routing in private networks by considering a reference dealing with source routing using a list of public addresses.


Therefore, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 13, 18, 39, and 46 stand rejected under 35 USC § 103(a).

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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